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ASIA WATCH STATEMENT ON EAST TIMOR TO THE UNITED NATIONS DECOLONIZATION COMMITTEE

Thank you, Mr. Chairman, for permitting Asia Watch to address this Committee. As you know, Asia Watch takes no position on the political status of East Timor. We strongly believe, however, that the Committee should take recent information on human rights into consideration as it discusses East Timor's future.

We would like to make three main points. First, since last August, the human rights situation in East Timor has not improved. Second, the credibility of reports of abuses coming from East Timor is strengthened by similar reports coming from Aceh, on the northern tip of Sumatra, where the pattern of arbitrary arrest and torture is much the same. And third, the Indonesian government's lack of respect for human rights is reinforced by its failure to ratify any major international instrument on human rights such as the International Covenant on Civil and Political Rights or the Convention Against Torture.

Let me start with the current situation. Shortly after the Committee concluded its meetings last year, there were at least two major waves of arrest, in September and October 1990. On September 4, one of the largest crowds ever seen in East Timor, estimated at 20,000 by some, assembled in Lecidere, Dili, to commemorate the 50th anniversary of the founding of the Catholic diocese in East Timor. A group began calling for independence, and although the thousands of people were allowed to disperse peacefully, arrests began shortly thereafter.

A second wave began after a prosecutor from Dili District Court addressed a junior high school, SMP IV, on October 8 and was taunted by the students when he touched on the values of Pancasila, Indonesia's state

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ideology. A few days later, anti-Indonesian graffiti appeared on the walls of the Paul IV school. In both cases, police and soldiers surrounded the schools, and by mid-November at least 100 students, most of them young teenagers, had been arrested, and according to official figures, some 14 remained in detention.

Among those arrested was a group of about 20 students who had taken refuge in the Motael Church in Dili. One of them was Abilio Messquita, who fled there in October. On October 29 at 9 pm, soldiers entered the church, handcuffed Abilio and several other students, and took them to a military interrogation center called Senopati II in the Farol district of the capital. There interrogators subjected him to electric shocks and beat him with an iron rod until he fell down. They then smashed a rifle butt into his face. Three other students, Talofo Namboro Alin, Chico and Eustaqio received the same treatment. They were then taken to the police station. There they were kept for four days, until the visible marks of the injuries they received began to alarm their captors. Four days later, on November 2, Abilio and Eustaqio were taken to the military hospital for treatment. Eustaqio was bruised, and parts of his body were swollen, but he had no broken bones; Abilio had a broken jaw from being hit with the rifle butt. He was charged for the medical costs of the operation he subsequently had in the military hospital on November 24, almost a month after the injury was sustained, and his family was also charged in December for the costs of removing the wires inserted to keep the jaw in place.

For the first 10 days of his detention, Abilio's family was not permitted to see him. His mother was finally allowed into the hospital on November 9 after personally pleading with the military commander. The Indonesian government routinely denies access of family members or anyone else to political detainees -- and not just detainees in East Timor -- until they are formally charged in a district court. This is in clear violation of Indonesia's 1981 Criminal Procedure Code which states in Articles 57-60 that a suspect has the right to contact his or her family, doctor and legal adviser. In fact, it frequently happens that the family is not even informed of the arrest. The explanation given by military commanders elsewhere is that informing a family of the arrest and whereabouts of detainees is "impractical." But practicality is not the issue; the issue is one of preventing torture which usually occurs in the period immediately following arrest. If detainees are permitted to alert their families to the fact of their arrest and receive visits from them, as both Indonesian and international law requires, the chances that they will be tortured are considerably reduced.

Unfortunately, Abilio's experience is not uncommon. There are several military interrogation centers in Dili, the most notorious of which are the Wisma Senopati II and the Nusrah Bakti building. In the districts outside the capital, torture of suspected supporters of Fretilin, the independence movement, takes place most frequently in the KODIMs in Maliana, Lospalos, Baucau, and Viqueque.

In Liquica in November 1990, some 10 students were reported to have been arrested and tortured after Fretilin banners were found where they were staying. Three of those arrested were young men from Dili working on a Department of Agriculture project in the Fazenda Algarve area. They included Afonso da Cruz, Teodolindo Alves Correia and Xisto Fernandes. Possession of banners, flags, pamphlets or other printed material is protected by

the internationally recognized right to freedom of expression; it should not be considered a criminal offense. And there is no justification for torture, under any circumstances.

Torture during interrogation is not the only human rights violation in East Timor, although it is a chronic and systemic problem. The freedoms of expression, association and assembly are routinely denied. One example of this is the action taken by Indonesian army intelligence against 20 East Timorese students studying in Indonesian universities in Java and Bali. All of the students were active in an organization called RENETIL, The East Timor National Student Resistance. In a document dated February 23, 1991, the assistant for intelligence of the chief of staff of the Udayana Military Command based in Bali (the command responsible for East Timor) noted that the students were suspected of encouraging nationalist sentiment, helping gather information on East Timor and disseminate it abroad, and assisting Australian journalist Robert Domm to meet with Fretilin leader Xanana Gusmao somewhere in East Timor in September 1990.[1] These actions are fully consistent with the provisions of Article 19 of the Universal Declaration of Human Rights which includes the freedom "to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers." Those students have now been placed under strict surveillance. (The man alleged to have served as the interpreter for the interview with Xanana Gusmao, Constancio Pinto, was reportedly arrested and tortured and as of April 1991 was believed to be still detained in Dili.)

It is important to recognize that the same pattern of abuse reported from East Timor also occurs in Indonesia proper; there is a pattern of gross and systematic human rights violations by the Indonesian army which, unless the Indonesian government is willing to acknowledge and address it, will continue to result in summary executions, torture, arbitrary arrest and restrictions on basic civil liberties not only for the East Timorese but for Indonesians in Java and Sumatra as well.

To this day, Asia Watch is not aware of a single Indonesian soldier prosecuted in a court of law for a human rights offense against someone suspected of violating the anti-subversion law. If such prosecutions have taken place, we urge the Indonesian Government to make public specific examples so as to deter future abuses.

The Indonesian army has its own grim repertoire of torture techniques, ranging from a primitive electric shock machine -- with a crank-up generator and wires which are attached around the victim's toes, fingers, ears or genitals -- to the method of putting the legs of a table over the foot of a suspect and having an interrogator then sit on the table. Burning the skin of a suspect with lighted cigarettes is also common. The use of these techniques ranges from Aceh to Merauke, from the northernmost tip of Sumatra to Irian Jaya, and East Timor is included as well. If the Indonesian Government is serious about preventing torture, it needs to make very clear to military interrogators that these methods will not be tolerated, and this means openly punishing anyone who uses them.

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[1] The document lists 19 students and mentions a 20th, Fernando Araujo, as the leader of RENETIL. A student at Udayana University in Bali, Fernando returned to East Timor in September 1990, reportedly to act as a guide for Robert Domm.

A pattern has emerged in East Timor that is already well-known in Irian Jaya, Aceh, and even Central Java, whereby if one has been arrested in the past for involvement in a political incident like a demonstration, even if released shortly thereafter without ever being charged, one is far more likely to be arrested again when the next such incident occurs. There is thus a widening spiral of arbitrary arrests. A result of this pattern is that the targets of a crackdown, people who have been involved in demonstrations, tend to go into hiding when the crackdown begins, leaving their families to face the inevitable knock on the door and the interrogation by police or soldiers. (One example from East Timor is the case of Ventura Valentin, hunted for his part in the September 4 demonstration. He fled to Lospalos, and when the police could not find him there, they took his sister and brother-in-law in for questioning. In Aceh, sisters, wives, fathers and brothers have been held for long periods in incommunicado military detention to force them to reveal information about a relative or spouse suspected of involvement with the Free Aceh movement.)

The Indonesian Government has repeatedly stated its commitment to human rights, most recently in a statement by Foreign Minister Ali Alatas at the 9th ASEAN-EC Ministerial Meeting in Luxembourg on May 30, 1991. In the course of that statement, Minister Alatas argued that developed countries tended to emphasize civil and political rights over social and economic rights, whereas in fact, such emphasis of one category over another could not be justified. Asia Watch points out that neither Indonesia, a developing country, nor the United States, a developed one, has signed either the International Covenant on Economic, Social and Cultural Rights or the International Covenant on Civil and Political Rights, and that it would be highly desirable for both countries to do so.

Minister Alatas also states that if human rights are universal in principle, individual countries should decide for themselves how to implement them, and "no group of countries should assume the role of judge over other countries." But what happens when a country makes no effort to protect the people under its jurisdiction from physical abuse? Indonesia protested when the government of Bulgaria was persecuting its Turkish minority. The people of East Timor have no recourse but to look to other countries for help in countering their own persecution.

Thank you, Mr. Chairman.